

1 RUSS, AUGUST & KABAT  
Marc A. Fenster, State Bar No. 181067  
2 Email: mfenster@raklaw.com  
Alexander C.D. Giza, State Bar No. 212327  
3 Email: agiza@raklaw.com  
Andrew D. Weiss, State Bar No. 232974  
4 Email: aweiss@raklaw.com  
12424 Wilshire Boulevard, 12<sup>th</sup> Floor  
5 Los Angeles, California 90025  
Telephone: (310) 826-7474  
6 Facsimile: (310) 826-6991

7 Attorneys for Plaintiff  
8 NEUROGRAFIX

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 NEUROGRAFIX, a California  
12 corporation; WASHINGTON  
13 RESEARCH FOUNDATION, a not-for-  
profit Washington corporation,

14 Plaintiffs,

15 vs.

16 SIEMENS MEDICAL SOLUTIONS  
17 USA, INC., a Delaware corporation; and  
18 SIEMENS AKTIENGESSELLSCHAFT,  
a German Corporation,

19 Defendants.

Case No. 10-CV-1990 MRP (RZx)

[Assigned to The Honorable Mariana  
R. Pfäelzer]

**DECLARATION OF ANDREW D.  
WEISS IN SUPPORT OF  
PLAINTIFF NEUROGRAFIX'S  
OPENING CLAIM  
CONSTRUCTION BRIEF**

First Amended Complaint Filed:  
July 30, 2010

I, Andrew D. Weiss, declare and state as follows:

1. I am a member of the State Bar of California and an associate at the firm of Russ, August & Kabat, counsel of record for Plaintiff NeuroGrafix in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as **Exhibit A** is a true and correct copy of U.S. Patent No. 5,560,360, entitled "Image Neurography And Diffusion Anisotropy Imaging."

3. Attached as **Exhibit B** is a true and correct copy of a three-dimensional image created using diffusion tensor imaging (or similar procedures).

4. Attached as **Exhibit C** is a true and correct copy of the Expert Report Related To Construction Of Dr. Aaron Filler, M.D., PH.D, FRCS, dated January 24, 2011.

5. Attached as **Exhibit D** is a true and correct copy of the slip opinion *Arlington Industries, Inc. v. Bridgeport Fittings, Inc.*, Case No. 2010-1025 (Fed. Cir. Jan. 20, 2011).

6. Attached as **Exhibit E** is a true and correct copy of the Joint Claim Construction And Prehearing Statement and attached exhibit, filed on February 2, 2011.

7. Attached as **Exhibit F** is a true and correct copy of pages N-8 and N-9 from Taber's Cyclopedic Medical Dictionary (13th Ed. 1977).

8. Attached as **Exhibit G** is a true and correct copy of Titelbaum et al., *Wallerian Degeneration and Inflammation in Rat Peripheral Nerve Detected by in Vivo MR Imaging*, ANJR:10 at 741-46 (July/August 1989).

9. Attached as **Exhibit H** is a true and correct copy of the Amendment submitted in the file history of U.S. Patent No. 5,560,360, dated July 6, 1995.

10. Attached as **Exhibit I** is a true and correct copy of SMSSAG0051244-66.

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11. Attached as **Exhibit J** is a true and correct copy of the letter and exhibit sent to me and David T. McDonald, counsel for Washington Research Foundation, dated January 14, 2011.

12. Attached as **Exhibit K** is a true and correct copy of the Amendment And Request For Reconsideration submitted in the file history of U.S. Patent No. 5,560,360, dated November 14, 1994.

13. Attached as **Exhibit L** is a true and correct copy of the Rebuttal Expert Report Of Dr. Aaron Filler, M.D., PH.D., FRCS To The Expert Report Of Michael E. Moseley Concerning U.S. Patent No. 5,560,360, dated February 1, 2011.

14. Attached as **Exhibit M** is a true and correct copy of relevant excerpts of the transcript of the deposition of Michael E. Moseley, taken on February 8, 2011.

15. Attached as **Exhibit N** is a true and correct copy of the Rebuttal Expert Report Of Michael E. Moseley Concerning U.S. Patent No. 5,560,360, dated February 2, 2011.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed this 11th day of February, 2011 at Los Angeles, California.

By: /s/ Andrew D. Weiss  
Andrew D. Weiss